

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 275 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/22/07

A Bill

HOUSE BILL 1284

5 By: Representatives Wills, Hyde, Adcock, Allen, Davis, Everett, George, Hoyt, Pierce, Reynolds
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For An Act To Be Entitled

9 AN ACT TO INCLUDE DEMOLITION WORK UNDER THE
10 CONTRACTORS LICENSING LAW; AND FOR OTHER
11 PURPOSES.
12

Subtitle

14 TO INCLUDE DEMOLITION WORK UNDER THE
15 CONTRACTORS LICENSING LAW.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 17-25-101 is amended to read as follows:

21 17-25-101. Definition.

22 (a)(1) As used in this chapter, ~~unless the context otherwise requires,~~
23 "contractor" means any person, firm, partnership, copartnership, association,
24 corporation, or other organization, or any combination thereof, who, for a
25 fixed price, commission, fee, or wage, attempts to or submits a bid to
26 construct or demolish, or contracts or undertakes to construct or demolish,
27 or assumes charge, in a supervisory capacity or otherwise, or manages the
28 construction, erection, alteration, demolition, or repair, or has or have
29 constructed, erected, altered, demolished, or repaired, under his or her,
30 their, or its direction, any building, apartment, condominium, highway,
31 sewer, utility, grading, or any other improvement or structure on public or
32 private property for lease, rent, resale, public access, or similar purpose,
33 except single-family residences, when the cost of the work to be done, or
34 done, in the State of Arkansas by the contractor, including, but not limited
35 to, labor and materials, is twenty thousand dollars (\$20,000) or more.



1 (2) However, when a person or entity acts as a contractor in the
2 construction, erection, alteration, demolition, or repair of his or her own
3 or its own property, such action shall not result in the person or entity
4 being required to obtain a license, but the person or entity ~~must~~ shall
5 comply with all other provisions of this subchapter.

6 (b) However, the twenty-thousand-dollar (\$20,000) exception shall not
7 apply to any project of construction in which any of the construction work
8 necessary to complete the project, except any in-progress change orders, is
9 divided into separate contracts of amounts less than twenty thousand dollars
10 (\$20,000), a purpose being to circumvent the provisions of this chapter.

11 (c) It is the intention of this definition to include all
12 improvements, demolition, or structures, excepting only single-family
13 residences.

14 (d) Materials purchased by a prime contractor from a third party shall
15 not be considered as part of the subcontractor's project if the prime
16 contractor has the proper classification listed on a current contractor's
17 license for the work being performed by the subcontractor. Materials
18 purchased by a person or entity acting as a contractor in the construction,
19 erection, alteration, or repair of his or her own or its own property from a
20 third party shall not be considered as a part of the subcontractor's project,
21 provided that the subcontract is for wood framing, shingle roofing, painting,
22 floor covering, or concrete labor.

23
24 SECTION 2. Arkansas Code § 17-25-103(a)(1), concerning penalties for
25 engaging in certain actions without a contractor's license, is amended to
26 read as follows:

27 (1)(A) For a fixed price, commission, fee, or wage, attempts to
28 or submits a bid or bids to construct or demolish or contracts to construct
29 or demolish, or undertakes to construct or demolish, or assumes charge in a
30 supervisory capacity or otherwise, or manages the construction, erection,
31 alteration, demolition, or repair of, or has constructed, erected, altered,
32 demolished, or repaired, under his or her or its direction, any building,
33 apartment, condominium, highway, sewer, utility, grading, or any other
34 improvement or structure, when the cost of the work to be done or done, in
35 the State of Arkansas by the contractor, including, but not limited to, labor
36 and materials, is twenty thousand dollars (\$20,000) or more, without first

1 having procured a license with the proper classification to engage in the
2 *business of contracting in this state.*

3 (B) Subdivision (a)(1) of this section shall not apply to
4 any demolition work or other work necessary to clean up a natural disaster
5 within seventy-two (72) hours following the natural disaster;

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/s/ Wills

APPROVED: 3/14/2007